

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICHARD A. KIRKHAM,

Plaintiff,

v.

MICHAEL J. TRICKEY, Presiding Judge, King
County Superior Court,

Defendant.

CASE NO. C05-1162TSZ

ORDER OF DISMISSAL

The Court, having reviewed plaintiff's amended complaint, the Report and Recommendation of the Honorable Monica J. Benton, United States Magistrate Judge, and the balance of the record, does hereby find and ORDER:

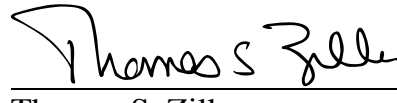
- (1) The Court adopts the Report and Recommendation, docket no. 15.
- (2) Plaintiff's amended complaint and this action are DISMISSED without prejudice.
- (3) The Clerk is directed to terminate this action pursuant to **28 U.S.C. § 1915(e)(2)(B)** and to count this as a dismissal under **28 U.S.C. § 1915(g)**.

ORDER OF DISMISSAL

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(4) The Clerk is further directed to send copies of this Order to plaintiff and to the Honorable Monica J. Benton.

DATED this 14th day of November, 2005.


Thomas S. Zilly
United States District Judge